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2 A. Yes, February '04.

3 Q. What happened in February '04?

4 A. I was promoted to a megabranch.

5 Q. Which megabranch were you promoted

6 to?

7 A. 55 Water Street.

8 Q. When you stay say a megabranch,

9 what was your understanding of that term?

10 A. One of the largest branches in the

11 city.

12 Q. Large by terms of what

13 characteristic?

14 A. Mainly money and clients in the

15 bank.

16 Q. How long did you remain at that

17 branch?

18 A. Until June.

19 Q. Of which year?

20 A. 2004. Would that be '04 or would

21 that be '05? '05, excuse me, June '05.

22 Q. So a little less than a year and a

23 half at that branch, February '04 to June '05?

24 A. No, it was only a few months. It

25 had to have been February '05 to June '05,

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2 Q. Are you familiar with the JPMorgan
3 Chase code of conduct?

4 A. A bit.

5 Q. Have you ever read it?

6 A. I may have, not certain.

7 Q. Are you familiar with any of its
8 provisions?

9 A. I'm not sure.

10 Q. Okay.

11 A. I'm sorry, can I break for a
12 second?

13 Q. You may.

14 A. Thank you.

15 Q. You're welcome.

16 MR. LIEBERMAN: Off the record.

17 (Whereupon, an off-the-record
18 discussion was held.)

19 (Time noted: 11:16 a.m.)

20 (Time noted: 11:18 a.m.)

21 MR. LIEBERMAN: Read the last
22 question and answer back, please.

23 (Record read.)

24 Q. Are you familiar with any of the
25 code of conduct's provisions regarding working

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2 for other companies?

3 A. I became so after I was sued.

4 Q. In this lawsuit?

5 A. In this lawsuit.

6 Q. Okay.

7 Are you familiar with any of the
8 code of conduct provisions regarding
9 investments in other companies?

10 A. No.

11 Q. Are you familiar with any of the
12 code of conduct's provisions regarding being
13 an officer of another company?

14 A. I was made aware of that after I
15 was sued by Chase.

16 Q. In this lawsuit?

17 A. In this lawsuit.

18 Q. Did you ever affirm the code of
19 conduct?

20 A. What does that mean?

21 Q. Did you ever acknowledge that you
22 had read it and understood its obligations and
23 agreed to abide by them?

24 A. I signed off on it.

25 Q. Okay.

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2 employment. I would ask you to look at those
3 provisions and let me know when you have done
4 so.

5 A. Okay.

6 Q. Thank you.

7 MR. SCHWARTZ: I'm going to take a
8 break while she's reading.

9 Off the record.

10 (Whereupon, an off-the-record
11 discussion was held.)

12 (Time noted: 11:22 a.m.)

13 (Time noted: 11:34 a.m.)

14 Q. Back on the record.

15 Have you had a chance to look over
16 Defendant's Exhibit 2, Ms. Pinsky?

17 A. Yes.

18 Q. And having now looked over the
19 section 6.3 whose title I gave before, Outside
20 Business and Not-For-Profit Activities Outside
21 Employment, do you have any greater
22 recollection of being familiar with those
23 provisions during your employment with Chase?

24 A. Only when Arthur told me about
25 them.

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2 Q. Okay, thank you.

3 I had also asked you whether you
4 had ever affirmed the code of conduct and you
5 had indicated that you had acknowledged it I
6 think in some way, I'm not sure if that was
7 your word.

8 A. I think I may have scanned over it
9 but I never read it from front to back.

10 MR. LIEBERMAN: If you can mark
11 this as Defendant's Exhibit 3, for
12 identification.

13 (Defendant's Exhibit 3, affirmation
14 form, marked for identification, as of
15 this date.)

16 Q. Ms. Pinsky, I'm showing you what
17 was marked Defendant's Exhibit 3, for
18 identification. I ask you do you recall ever
19 seeing this before?

20 A. I don't remember it.

21 Q. You don't remember it.

22 Down almost all the way at the
23 bottom on the left side above the line with
24 the word signature there is some handwriting.

25 Is that your signature?

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2 A. Yes, it is.

3 Q. Okay.

4 Do you remember signing this
5 document?

6 A. No.

7 Q. In the middle of that page where
8 it has the GID number --

9 A. Yes.

10 Q. -- can you read that number?

11 A. U474707.

12 Q. Was that your employee
13 identification number called a GID number?

14 A. Yes.

15 Q. Okay.

16 What is the date on this document?

17 A. 12/18/02.

18 Q. Looking at the first paragraph of
19 this document, do you see where it says, "I
20 hereby affirm that I have read, understand and
21 am in compliance with the provisions of
22 JPMorgan Chase Worldwide rules of conduct?"

23 A. Yes.

24 Q. Thank you.

25 At the time that you signed this

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2 had you in fact read the JPMorgan Chase
3 Worldwide rules of conduct?

4 A. Not to my recollection.

5 Q. At the time that you signed this
6 did you understand the JPMorgan Chase
7 Worldwide rules of conduct?

8 A. No.

9 Q. At any time after December 18th,
10 2002 did you again affirm what was either
11 known as the worldwide rules of conduct or
12 what is now known as the code of conduct?

13 A. I don't recall.

14 MR. LIEBERMAN: If you would mark
15 this one as Defendant's Exhibit 4, for
16 identification, please.

17 (Defendant's Exhibit 4, screen shot
18 and affirmation form, marked for
19 identification, as of this date.)

20 Q. On the first page of this document
21 in the box that appears in the page three
22 lines from the bottom, do you see the words
23 ECA number?

24 A. Yes.

25 Q. Is the ECA number that is printed

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2 A. All I can say is it is possible it
3 happened around --

4 Q. Okay, fair enough.

5 Do you know whether that merger of
6 JPMorgan Chase and Bank One had any affect on
7 the employment status of the home equity loan
8 officers such as yourself?

9 A. I don't understand the question,
10 I'm sorry.

11 Q. After that merger went into
12 effect, did the new firm determine that it did
13 not need to have as many home equity loan
14 officers as it had before?

15 A. At the time it went into effect, I
16 don't recall, I don't think so because I'm
17 trying to think of when I remember getting the
18 notice of like, you know, your position is
19 ending kind of thing, and I could have sworn
20 it was after like, well after the merger, not
21 like they merged a week later we found out, it
22 wasn't like that I can tell you.

23 Q. When is the first time that you
24 learned that home equity loan officer
25 positions were going to be eliminated, not

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2 yours necessarily but positions in general?

3 A. I believe it was right before I
4 was promoted to 55 Water.

5 Q. What's the time frame, to the best
6 your knowledge that you put on that promotion?

7 A. February.

8 Q. Of 2005?

9 A. Yes.

10 Q. At that time what did you hear?

11 A. I'm sorry, I don't recall exactly.

12 I remember I knew at that point that my
13 division was going to be eliminated.

14 Q. When you say your division, what
15 do you mean?

16 A. Home equity loan officers.

17 Q. All of them, there would be none
18 left?

19 A. It was changing into, technically
20 yes, that was over but there would be other
21 positions that I don't remember, I think they
22 maybe had some working out of their own homes
23 something like that, some of those positions
24 would remain, I don't remember, I'm sorry.

25 Q. Okay.

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2 help us find a new job and that we would get
3 some compensation.

4 Q. Okay.

5 MR. LIEBERMAN: Can you mark this
6 as Defendant's Exhibit 6, for
7 identification.

8 (Defendant's Exhibit 6, severance
9 letter, marked for identification, as of
10 this date.)

11 MR. SCHWARTZ: Can I talk to my
12 lawyer?

13 MR. LIEBERMAN: You may.
14 Off the record.

15 (Whereupon, an off-the-record
16 discussion was held.)

17 (Time noted: 11:50 a.m.)

18 (Time noted: 11:53 a.m.)

19 Q. Ms. Pinsky, I'm showing you what's
20 been marked Defendant's Exhibit 6, for
21 identification, and ask you, the one you have
22 right there, and ask you if you have seen this
23 document before?

24 A. Yes, I have.

25 Q. Is this the document that you were

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2 just referring to?

3 A. Yes.

4 Q. You see the date of May 20th,
5 2005?

6 A. Yes.

7 Q. Is that the date on or about when
8 you received this document?

9 A. No, because I remember I got it
10 late.

11 Q. How did you get it, by mail or by
12 hand delivery?

13 A. I believe it was in-house
14 delivery. We have the system you extend to
15 people through that yellow envelope, if I
16 remember correctly that's how I got it.

17 Q. You believe you received it
18 sometime within a few days after May 20th?

19 A. I got it late like five to six,
20 seven days late because I remember telling my
21 HR rep that.

22 Q. Okay.

23 It is your understanding that
24 Defendant's Exhibit 6 set out the notice to
25 you of the elimination of your position with

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2 proposed termination of your employment and
3 what benefits the bank would be paying you
4 because of that --

5 A. Yes.

6 Q. -- if you signed the agreement
7 that you mentioned?

8 A. Yes.

9 Q. Okay.

10 MR. LIEBERMAN: This will be
11 Defendant's Exhibit 7, for
12 identification.

13 (Defendant's Exhibit 7, release
14 agreement, marked for identification, as
15 of this date.)

16 Q. Ms. Pinsky, I'm showing you what
17 is marked Defendant's Exhibit 7, for
18 identification, and I ask you if you have seen
19 this document before.

20 A. Yes.

21 Q. If you would look at page five of
22 the exhibit.

23 A. Sorry, this was one I got a week
24 late, that's right.

25 Q. Let me ask you this.

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2 Q. About a third of the way down on
3 the right side.

4 MR. SCHWARTZ: Page five.

5 Q. Thank you.

6 A. Yes.

7 Q. Is that your signature above the
8 typewritten words, Susan Pinsky?

9 A. It is.

10 Q. Okay.

11 And did you read this document
12 before you signed it?

13 A. Yes.

14 Q. Did you understand the meaning of
15 this document?

16 A. Pretty much.

17 Q. Did you consult with any attorney
18 before you signed it?

19 A. No.

20 Q. Did you discuss the document with
21 anyone before you signed it?

22 A. No.

23 Q. What was your understanding of
24 what you were agreeing to in this release
25 agreement?

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2 A. That I was going to find another
3 job here and continue working here, so I
4 really didn't think much of it.

5 In fact, I would say going back I
6 understood that the gist of it, again I
7 skimmed it, didn't read it from front to back,
8 but I just didn't think it really applied to
9 me because I thought I was going to continue
10 working here, at the time I had every reason
11 to believe that.

12 Q. Had anybody offered you a job at
13 that point?

14 A. Yes.

15 Q. Who?

16 A. The branch manager of the branch I
17 was working at.

18 Q. Who was that?

19 A. That was Keith Swanson.

20 Q. What job did he offer you?

21 A. A banker position that specialized
22 in home equity.

23 Q. Working at which branch?

24 A. That branch, 55 Water.

25 Q. Do you recall when he offered that

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2 knew about it before I got actually moved from
3 the 28th Street and Park Avenue to 55 Water.

4 Q. Okay.

5 MR. SCHWARTZ: Is there is a
6 question?

7 MR. LIEBERMAN: She was reading the
8 document, I let people who like to read
9 things, read away.

10 A. Oh, I'm sorry --

11 MR. SCHWARTZ: There is no
12 question.

13 A. I thought it was weird. It says
14 Sue, this was never from me because I never
15 write Sue, and then I realized it wasn't from
16 me, it was from Susan Anderson.

17 Q. Did there come a time when you
18 went out on disability leave from your
19 employment at JPMorgan Chase?

20 A. Yes.

21 Q. When was that?

22 A. June.

23 Q. Of what year?

24 A. '05.

25 Q. What was your disability at that

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2 disability?

3 A. I did.

4 Q. When was that?

5 A. My long-term disability went into
6 effect the middle of December.

7 Q. Of 2005?

8 A. Yes.

9 Q. What is the rate of your long-term
10 disability benefit?

11 A. Two years.

12 Q. No, no --

13 A. I think it comes out to 75 a year.

14 Q. What rate, what monetary rate were
15 you receiving the LTD benefits?

16 A. 60 percent of my total of the
17 average of the two years of my total comp my
18 past two years.

19 Q. Do you recall what your total comp
20 was in the two years before they would look
21 at --

22 A. I remember I made like over 80,000
23 the first year and then I made over 80,000 in
24 six months of the following year. That was
25 the difference between a regular branch and a

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2 Hartford call me and apologized afterwards.

3 The woman that was working with me before,

4 Jennifer Sauerhoff, she called to apologize,

5 "Susan, I'm so sorry, we didn't know." And in

6 fact there had been a letter from Dr. Nestor

7 saying I should not return to work until I had

8 my foot surgery done and not before September,

9 and they had never received that letter and I

10 got them a copy of that letter.

11 But once the, apparently once they

12 say you are no longer on it, they cancel it,

13 it has to go to appeal, they can't just

14 reverse it, it has to go through the entire

15 appeal to be appealed.

16 Q. Okay.

17 MR. LIEBERMAN: Mark that as

18 Defendant's Exhibit 9, for

19 identification.

20 (Defendant's Exhibit 9, letter,

21 marked for identification, as of this

22 date.)

23 Q. Ms. Pinsky, I am showing you what

24 has been marked Defendant's Exhibit 9, for

25 identification. I ask if you have ever seen

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2 this letter before.

3 A. Yes.

4 Q. And is this the letter that you
5 were referring to as the misinformation from
6 Dr. Nestor?

7 A. This is the letter they never got,
8 that Hartford never got.

9 Q. This is letter they never got?

10 A. Until I found out they didn't have
11 it, I sent it after the case. But this letter
12 was supposed to get to Hartford as a part of
13 his evaluation of me and they did not receive
14 this at the time. The misinformation part I'm
15 referring to is an annual evaluation which I
16 do not have that they sent to him, he filled
17 out and sent back.

18 Q. So it wasn't a letter that --

19 A. No, it was an evaluation form,
20 sorry.

21 Q. So this is his correcting letter?

22 A. This was a letter that was written
23 before, you know, or at the same time as the
24 evaluation. It wasn't like an after the fact
25 kind of letter.

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2 Q. Okay.

3 A. I would say around the same time
4 or before he did the evaluation.

5 Q. Did Dr. Nestor give you a copy of
6 this letter?

7 A. Yes.

8 Q. This letter says that you're
9 cleared to return to work, does it not?

10 A. On September.

11 Q. On September 1st, 2007?

12 A. It says that, I'm sorry, yes, it
13 does.

14 Q. What did you do when you received
15 this letter with it?

16 A. I gave a copy to Arthur.

17 Q. Okay.

18 Did you do anything else with it?

19 A. Yes, I went to see a podiatrist
20 at some point. What else did I do with it, I
21 did nothing at the first. I think I may have
22 sent a copy to ALLSUP. They are the company
23 that was hired by Hartford to try to obtain
24 social security benefits for me because the
25 money would go back to Hartford. I may have

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2 JPMorgan was free to terminate your employment
3 at any time?

4 A. No, I do not, I don't remember
5 reading that, it has been a long time.

6 Q. Okay.

7 Did anyone ever tell you that your
8 employment could only be terminated for cause?

9 A. I have no recollection of that.

10 Q. Okay.

11 Did there come a time when you
12 were employed by Tri-State Biodiesel, LLC?

13 A. Employed?

14 Q. Yes.

15 A. No.

16 Q. What was then the nature of your
17 relationship with that company?

18 A. I'm an investor in that company.

19 Q. When did you first invest in
20 Tri-State?

21 A. I think it was like November,
22 December of last year.

23 Q. Of 2006?

24 A. Yes.

25 Q. What was the extent of your

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2 investment relationship with Tri-State?

3 A. I don't understand the question,
4 I'm sorry.

5 Q. How much of an investor are you in
6 the company?

7 A. \$25,000, I bought half a point of
8 equity.

9 Q. How did you come to be involved
10 with Tri-State?

11 A. I knew the founder of the company
12 for like four years.

13 Q. That's Brent Baker?

14 A. Yes.

15 Q. Other than the investor relation-
16 ship, do you have any other relationship with
17 Tri-State?

18 A. Friendship.

19 Q. Okay.
20 Anything else?

21 A. At this time, no.

22 Q. In November or December 2006 when
23 you were on long-term disability, was it your
24 understanding that you were still an employee
25 of JPMorgan Chase?

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2 A. Yes.

3 Q. Okay.

4 MR. LIEBERMAN: If we can mark this
5 as Defendant's Exhibit 14, for
6 identification.

7 (Defendant's Exhibit 14, business
8 plan, marked for identification, as of
9 this date.)

10 Q. Ms. Pinsky, I am showing you what
11 has been marked Defendant's Exhibit 14, for
12 identification.

13 Have you ever seen this document
14 before?

15 A. I have seen pieces of it.

16 Q. Okay.

17 Which pieces have you seen?

18 A. I'm familiar with all of the
19 information.

20 Q. But not necessarily in one place?

21 A. Exactly, not in this order.

22 Q. Okay.

23 If you would turn to the third
24 page, second page from the back, about a
25 quarter of way down you see in capital letters

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2 Was that correct?

3 A. That it says that or that I left
4 my position?

5 Q. That you left your position?

6 A. No, that's not correct.

7 Q. How did that inaccurate statement
8 get into that paragraph if you were involved
9 with drafting it?

10 A. Well, because the intention of
11 this was to legitimate the company, it was
12 more for publicity and for web and for
13 investors and things like that so the company
14 would look like it was stronger and had more
15 of a backbone because it was a brand new
16 company and that's why this was written. They
17 also needed to fill an officer position, I
18 believe, for incorporation reasons.

19 Q. What position were you described
20 as being an officer?

21 A. That I was on the documentation, I
22 think corporate secretary.

23 Q. What is does it say here?

24 A. It says chief administration
25 officer, but that's not in any of the bylaws

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2 or the incorporation of the company. I don't
3 believe that's included anywhere, the only
4 thing it says in there is corporate secretary,
5 keeper of the seal.

6 Q. The corporate secretary is the
7 keeper of the seal?

8 A. Yeah, that's these old laws,
9 keeper of the seal, the corporate seal.

10 Q. In the fourth and fifth line down
11 of the document, Exhibit 14 indicates that
12 your expertise in management and leadership
13 skills have made you the perfect fit to build
14 the corporate structure of the company of
15 Tri-State Biodiesel.

16 Was it Tri-State's intent that you
17 do that for it?

18 A. That I helped, yes, as much as I
19 could.

20 Q. Was there anyone else who was
21 involved in building the corporate structure
22 of the company?

23 A. Sure.

24 Q. Who else?

25 A. Brent Baker.

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2 In fact, I would say he did most
3 of the building of the corporate structure.

4 Q. The paragraph also says that you
5 currently manage all the City and State
6 licensing companies, registration and the
7 financials.

8 Was that an accurate statement?

9 A. For one point of time I helped out
10 in this area, yes.

11 Q. And when you say at one point of
12 time, what does that mean?

13 A. For, I really, I filled out the
14 paperwork to help get them, and then I filled
15 out the paperwork to like the monthly or
16 quarterly reports on them for several months.

17 Q. Do you know who this business plan
18 was being given to or shown to?

19 A. Some people.

20 Q. Potential investors or --

21 A. That's it, potential investors,
22 yes.

23 Q. And what about companies with
24 which Tri-State wanted to do business?

25 A. What business?

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2 subscription agreement that you signed?

3 A. Not the last one.

4 He made several changes along the
5 way when new investors came in. I remember
6 signing a document, the last page, I'm still
7 waiting to receive my copy which I never got.

8 Q. Have you paid your investment in?

9 A. My money went in, yes.

10 Q. All right.

11 Let me ask you this question.

12 Turning to the page that's numbered eight on
13 Defendant's Exhibit 15.

14 A. My pages aren't numbered. Here we
15 go, yes.

16 MR. SCHWARTZ: Can I note for the
17 record that before page eight there is
18 only six pages.

19 MR. LIEBERMAN: You can certainly
20 note that. We can also note that those
21 aren't numbered, that page is the only
22 one that has the number on it. I don't
23 disagree with you on that.

24 Q. Looking at this page that's
25 numbered eight but not necessarily the eighth

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2 page of this document, do you see where it

3 says name, Susan Pinsky?

4 A. Yes.

5 Q. Is that your signature above it?

6 A. It is.

7 Q. And where it is handwritten chief

8 administration officer, who wrote that?

9 A. I did.

10 Q. Okay.

11 Was that your address at the time?

12 A. Yes, it was a temporary address.

13 Q. The tax identification number, is

14 your social security number there?

15 A. Yes, it is.

16 Q. Okay.

17 Turning to the last two pages,

18 I'll call it Exhibit A and Exhibit B, do you

19 see where it indicates for the number of

20 shares that for you, you were allocated 5.4913

21 class B membership interests or class B units?

22 A. Yes.

23 Q. Do you recall if that seems

24 accurate to you as to what you were receiving

25 for your investment?